

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: LEGISLATIVE & RULES

DATE: MARCH 28, 2011

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BENTLEY
THOMAS
GIRARD
SOKOL
WOOD

OTHERS PRESENT:

PAUL DUSEK, COUNTY ATTORNEY/ADMINISTRATOR
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS STRAINER
TAYLOR
DON LEHMAN, *THE POST STAR*
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

COMMITTEE MEMBERS ABSENT:

SUPERVISORS MONROE
MCCOY

Mr. Bentley called the meeting of the Legislative & Rules Committee to order at 11:21 a.m.

Motion was made by Mr. Thomas, seconded by Mr. Sokol and carried unanimously to approve the minutes from the prior Committee meeting, subject to correction by the Clerk of the Board.

Copies of the meeting agenda were distributed to the Committee members, a copy of which is also on file with the minutes.

Commencing the review with the New Business section, Mr. Bentley presented Agenda Item 1 which consisted of a request from NYSAC (New York State Association of Counties) to consider the adoption of a Local Law "Against the Disruption of Funeral Related Events".

Paul Dusek, County Attorney/Administrator, pointed out that the sample resolution provided by NYSAC and included in the agenda packet was not written in the format typically used by Warren County and he would propose that it be revised accordingly. Additionally, he said that while the objective of the resolution was to allow families the right to grieve privately, he would suggest that the Local Law be written in a manner that would achieve these results while equally balancing an individuals right to protest as provided by the First Amendment.

Following a brief discussion on the matter, motion was made by Mr. Sokol, seconded by Mr. Girard and carried unanimously to approve a Local Law "Against the Disruption of Funeral Related Events" as proposed by NYSAC, including the revisions suggested by Mr. Dusek, and the necessary resolution was authorized for the April 15th Board meeting.

Mr. Bentley announced that Agenda Item 2 pertained to a referral from the Fulton County Board of Supervisors to consider a Local Law allowing brochures pertaining to unfunded State mandates to be included with property tax invoices.

Mr. Thomas apprised that this issue had been discussed during the recent meeting of the Inter-County Legislative Committee of the Adirondacks, and he thanked Joan Sady, Clerk of the Board, for taking the time to contact Fulton County in order to obtain pertinent information on the initiative. He opined it was very important to make the public aware of how their property taxes were used, as well as to inform them of the unfunded State mandates that caused their taxes to increase. Mr. Thomas stated that steps taken to educate the public about these matters would help to bring about change and ensure that the appropriate parties were held accountable for tax increases.

Mr. Taylor said that while he agreed that distribution of brochures was a good idea, he wondered if it was possible for the towns to realistically do so as many used automated mailings to distribute the property tax bills. Mr. Dusek agreed and stated he was also concerned that the printing and distribution of these brochures would incur an unknown cost to the County and he felt more research on the issue should be performed before making a decision. Mr. Thomas then suggested that they print and distribute a brochure separate from the property tax bills and Mr. Dusek replied that if they chose to do this, a Local Law would be unnecessary.

Subsequent to further discussion on the matter, Mr. Dusek suggested that the issue be referred to Mike Swan, Director of Real Property Tax Services, to determine the costs associated with modifying the tax bills to list the actual cost to the taxpayer of the mandated expenses, as well as inclusion of a brochure with the property tax bills and report back to the Committee with his findings. As the Committee was in agreement, Mrs. Sady advised the issue would be added to the Pending Items listing for future discussion and noted that a memo would be forwarded to Mr. Swan on the matter, as well.

Continuing to Agenda Item 3, Mr. Bentley apprised of a second referral from Fulton County Board of Supervisors to consider adoption of a resolution urging Governor Cuomo to reject the 2011 New York State Mandate Relief Redesign Team Report, as it had not provided any mandate relief.

Motion was made by Mr. Thomas, seconded by Mrs. Wood and carried unanimously to support the previously mentioned item and the necessary resolution was authorized for the April 15th Board meeting.

Moving on to the Pending Items section of the agenda, Mr. Bentley advised that Item 4 consisted of a referral from the Public Works Committee to request legislation in support of a proposed constitutional amendment to change the designation of the Scaroon Manor & Battlefield Park properties. He explained that although property taxes were assessed to both NYSDEC (New York State Department of Environmental Conservation) owned properties due to their classification as "forest preserve" properties, tax payments were not being made. Mr. Dusek advised that the purpose of the request was to alter the designation of the property in order to open it up to other potential uses; however, he added, it was very difficult to achieve a constitutional amendment as the procedure would eventually entail a public vote during an upcoming election. Mr. Bentley responded that an alternate solution might be to approve a resolution requesting that NYSDEC make the appropriate property tax payments, based on the forest preserve designation attached to both properties.

Motion was made by Mr. Thomas, seconded by Mr. Sokol and carried unanimously to approve a resolution requesting that NYSDEC begin paying taxes for the Scaroon Manor and Battlefield Park properties based on their forest preserve designation, for presentation at the April 15th Board meeting.

Mr. Bentley announced that Agenda Item 5 pertained to a referral from the Public Safety Committee for further discussion regarding the new 2010 New York State Building Code requirements for driveways and turnarounds. Mr. Dusek explained the new Codes mandated any home located more than 300' from a public roadway to include a driveway with specific width, height obstruction and turnaround requirements for fire apparatus vehicles. He further explained that although this was not typically an issue for homes located in the more populated regions of the County, it became a problem for rural locations, as many exceeded the 300' limit and would suffer increased costs for driveway construction as described in the specifications of the new Codes. Because this was a New York State Building Code requirement, Mr. Dusek advised the County could not control the issue locally and would have to petition their Legislators and the New York State Building Code Office if they wished to try and change the regulation.

Mr. Bentley opined that the requirements were inappropriate and should not be considered a Building Code matter. Additionally, he noted that the driveway construction issues were already being addressed as part of the planning and zoning ordinances incorporated by each of the individual towns through an APA (Adirondack Park Agency) approved format and he did not feel they should be subject to another level of State review. Mr. Girard stated that he, too, felt the Code requirements were inappropriate and unnecessary.

Motion was made by Mrs. Wood, seconded by Mr. Girard and carried unanimously to approve a resolution in opposition to the new 2010 New York State Building Code mandating certain width, height obstruction and turn-around requirements for driveways exceeding 300' in length, for presentation at the April 15th Board meeting.

Mr. Bentley advised he had another item for presentation which was not included on the agenda, pertaining to a request for funding to eradicate the infestation of the invasive Asian Clam species found in Lake George. He said that although some funding for this initiative would likely be provided at the County level, they should encourage the NYSEPA (New York State Environmental Protection Agency) to contribute EPF (Environmental Protection Fund) monies to assist with the efforts, as they would be more appropriately used in this manner than to purchase additional lands.

Motion was made by Mr. Sokol, seconded by Mr. Thomas and carried unanimously to approve a resolution urging the NYSEPA to use EPF monies to assist with the plan to eradicate the infestation of the invasive Asian Clam species in Lake George, rather than using said funding to purchase additional land, for presentation at the April 15th Board meeting.

There being no further business to come before the Committee, on motion made by Mr. Girard and seconded by Mr. Thomas, Mr. Bentley adjourned the meeting at 11:40 a.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist